



COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS	REDEVELOPMENT AGENCY
Dennis Kennedy, Mayor	Dennis Kennedy, Chair
Hedy Chang, Mayor Pro Tempore	Hedy L. Chang, Vice-Chair
Larry Carr, Council Member	Larry Carr, Agency Member
Greg Sellers, Council Member	Greg Sellers, Agency Member
Steve Tate, Council Member	Steve Tate, Agency Member

WEDNESDAY, AUGUST 20, 2003

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

5:00 P.M.

A Special Meeting of the City Council and Redevelopment Agency is called at 5:00 P.M. for the Purpose of Conducting a Workshop.

Dennis Kennedy, Mayor/Chairperson

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(Deputy City Clerk Malone)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(Deputy City Clerk Malone)

5:00 P.M.

Redevelopment Agency Action

WORKSHOP:

	Time Estimate		Page
1.	60 Minutes	<u>SANTA CLARA COUNTY COURTHOUSE PROJECT</u> <u>Recommended Action(s): Provide Comments</u> on the Revised Schematic Design for the County of Santa Clara's Morgan Hill Courthouse Campus Project.	1

6:00 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 4

2.

EXISTING LITIGATION

Legal Authority: Government Code section 54956.9(a)
Case Name: City of Morgan Hill v. Arthur A. Biederman et al.
Case Number: Santa Clara County Superior Court Case No. CV 812944

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Authority: Government Code section 54956.9(a)
Case Name: Allivato v. City of Morgan Hill et al.
Case Number: Santa Clara County Superior CV 810111
Attendees: City Attorney, City Manager

4.

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code 54957
Public Employee Performance Evaluation: City Attorney
Attendees: City Council, City Attorney

5.

EXISTING LITIGATION:

Case Title: Kennedy et al. v. Davis et al.
Case Name/No.: Santa Clara County Superior Court Case No. CV 803679
Attendees: City Manager, City Attorney, Special Counsel Matt Jacobs

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

INTRODUCTION

Lieutenant Joseph G. Sampson
Police Chief Galvin

PRESENTATIONS

Comprehensive Annual Financial Report (CAFR) Award for 2002
Director of Finance Dilles

CITY COUNCIL REPORT

Council Member Chang

CITY COUNCIL SUB-COMMITTEE REPORTS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

**PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME
THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND
PRESENT IT TO THE CITY CLERK.**

(See notice attached to the end of this agenda.)

**PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE
CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY
COUNCIL/REDEVELOPMENT AGENCY.**

City Council Action

CONSENT CALENDAR:

ITEMS 2 - 25 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

	Page
Time Estimate	
Consent Calendar: 1 - 10 Minutes	
2. <u>JULY 2003 FINANCE & INVESTMENT REPORT</u>	11
 <u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> Report.	
3. <u>SUBDIVISION APPLICATION SD-03-02: HALE-GARCIA</u>	35
 <u>Recommended Action(s):</u> <u>Take No Action</u>, Thereby Concurring with the Planning Commission's Decision Regarding Approval of the Subdivision Map.	
4. <u>YEAR END REPORT ON 2002-2003 WORKPLAN</u>	61
 <u>Recommended Action(s):</u> <u>Accept</u> Report.	
5. <u>GROUND LANDSCAPE MAINTENANCE SERVICES FOR THE COMMUNITY AND CULTURAL CENTER</u>	87
 <u>Recommended Action(s):</u>	
 1. <u>Approve</u> One Year Extension to the Agreement with Flora Terra Landscape Maintenance for Ground Landscape Services for the Community and Cultural Center, Gavilan College, and Morgan Hill Playhouse in the Amount of \$37,543.62; and	
 2. <u>Authorize</u> the City Manager to Execute the Agreement on Behalf of the City.	
6. <u>APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR THE BUTTERFIELD BOULEVARD NORTH CONNECTION FEASIBILITY STUDY</u>	93
 <u>Recommended Action(s):</u> <u>Authorize</u> the City Manager, Subject to City Attorney Review and Approval, to Execute the City's Standard Professional Services Agreement with Fehr and Peers to Study Alignment and Rail Crossing Alternatives for the Northerly Segment of Butterfield Boulevard for a Fee Not to Exceed \$66,824.	
7. <u>VALUE ENGINEERING CHANGE ORDERS FOR THE AQUATICS CENTER</u>	95
 <u>Recommended Action(s):</u> <u>Information Only</u>.	
8. <u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) 2003 QUARTERLY REPORT #2</u>	99
 <u>Recommended Action(s):</u> <u>Accept</u> and <u>File</u> the RDCS Second Quarter Report for 2003.	
9. <u>APPROVAL OF RESOLUTION PROVIDING COMPENSATION FOR CITY OF MORGAN HILL MANAGEMENT AND CONFIDENTIAL EMPLOYEES</u>	115
 <u>Recommended Action(s):</u> <u>Adopt</u> Management Resolution.	
10. <u>APPROVAL OF MEMORANDUM OF UNDERSTANDING WITH POLICE OFFICERS ASSOCIATION (POA)</u>	125
 <u>Recommended Action(s):</u> <u>Approve</u> Three-Year Memorandum of Understanding with the POA.	

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
11.	<u>IMPACT OF STATE BUDGET</u> <u>Recommended Action(s): Receive and File.</u>	129
12.	<u>COUNCIL POLICY REGARDING PROCEDURES FOR PUBLIC HEARINGS</u> <u>Recommended Action(s): Adopt</u> City Council Policy and Procedure Regarding Public Hearing Procedures.	133
13.	<u>GRAND JURY RESPONSE – INFORMATION SYSTEMS DISASTER RECOVERY PLANNING</u> <u>Recommended Action(s): Authorize</u> the City Manager to Submit the Response to the Grand Jury.	137
14.	<u>RESPONSE TO SANTA CLARA COUNTY GRAND JURY REPORT CONCERNING “REVIEW OF AUDITS AND FINANCIAL REPORTS”</u> <u>Recommended Action(s): Direct</u> Staff to Provide the Response Described in the Staff Report to the 2002/2003 Grand Jury Concerning Their Review of Audits and Financial Reports	139
15.	<u>RESPONSE TO SANTA CLARA COUNTY GRAND JURY REPORT “LISTING OF SPECIAL DISTRICTS, JOINT POWERS AGENCIES, DESIGNATED NON-PROFIT CORPORATIONS AND OTHER GOVERNMENTAL ENTITIES”</u> <u>Recommended Action(s):</u> 1. <u>Direct</u> Staff to Respond as Described in the Staff Report to the 2002/03 Grand Jury; and 2. <u>Direct</u> the Finance Director to Annually Include Narrative Listings Described in the Response Within the City’s Budget Document Beginning with the 2004/05 Budget.	155
16.	<u>ENDORISING POLICIES TO ENCOURAGE INVESTMENTS IN LOCAL TELECOMMUNICATIONS SERVICES TO KEEP JOBS IN CALIFORNIA</u> <u>Recommended Action(s):</u> 1. <u>Adopt</u> Resolution Endorsing Policies.	203
17.	<u>ADOPT ORDINANCE NO. 1626, NEW SERIES</u> <u>Recommended Action(s): Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1626, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL APPROVING A ZONING AMENDMENT FROM COUNTY A-20 TO CITY R-1 (20,000) SINGLE-FAMILY LOW RESIDENTIAL FOR APPLICATION ZA-01-11: CLAYTON - MERLANO (APN 726-36-045 AND 726-37-006).	207
18.	<u>ADOPT ORDINANCE NO. 1627, NEW SERIES</u> <u>Recommended Action(s): Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1627, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall be Determined to Have Been Read by title and Further Reading Waived; Title as Follows: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL PRE-ZONING 2.01 ACRES, FROM CITY OF SAN JOSE R-1-1 AND COUNTY A-20 TO OPEN SPACE OS, APPLICATION ZA-03-05: MALAGUERRA-CITY OF MORGAN HILL (APNS 728-35-03 & 05).	213
19.	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 16, 2003</u>	219
20.	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 28, 2003</u>	221
21.	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 1, 2003 (8:30 a.m. session)</u>	223

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
22.	<u>APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF AUGUST 1, 2003 (9:00 a.m. session)</u>	225
23.	<u>PERFORMANCE MEASURE UPDATE – FISCAL YEAR 2002-2003</u> <u>Recommended Action(s): Receive and File.</u>	227
24.	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) MICRO PROJECT COMPETITION SECOND YEAR PHASING REQUESTS</u> <u>Recommended Action(s): Adopt</u> Resolution Approving Second Year Phasing into Fiscal Year 2005-2006 for Projects in the 2002-2003 Micro Project Competition.	239
25.	<u>RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (MEASURE P) OPEN MARKET COMPETITION SECOND YEAR PHASING REQUESTS</u> <u>Recommended Action: Adopt</u> Resolution Approving Second Year Phasing into Fiscal Year 2005-2006 and Fiscal Year 2006-2007 for Projects in the 2002-2003 Open/Market Rate Competition.	247

City Council Action and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 26-27

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
26.	<u>APPROVAL OF JOINT SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF JULY 16, 2003</u>	255
27.	<u>APPROVAL OF JOINT SPECIAL AND REGULAR REDEVELOPMENT AGENCY AND SPECIAL CITY COUNCIL MEETING MINUTES OF JULY 23, 2003</u>	293

Redevelopment Agency Action

CONSENT CALENDAR:

ITEM 28

	Time Estimate	Page
	Consent Calendar: 1 - 10 Minutes	
28.	<u>FACADE IMPROVEMENT PROGRAM</u> <u>Recommended Action(s): Approve</u> a “Triple” Facade Improvement Program (FIP) Reimbursement for the Vacant Building at 17330 Monterey Road (Scoffone).	309

City Council Action

PUBLIC HEARINGS:

	Time Estimate		Page
29.	5 Minutes	<u>GENERAL PLAN AMENDMENT APPLICATION: GPA-02-08: MONTEREY-PINN BROTHERS</u> (Continued from Meeting of July 17, 2003)..... Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Continue</u> This Item to Meeting of September 17, 2003.	311
30.	5 Minutes	<u>DEVELOPMENT AGREEMENT APPLICATION: DA-03-03: HALE-GARCIA</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Approving Development Agreement DA-03-03: Hale-Garcia. Action- <u>Motion to Introduce</u> Ordinance Approving Development Agreement by Title Only. (Roll Call Vote)	315
31.	20 Minutes	<u>ZAA-98-20: SPRING AVENUE-WESTPOL PROPERTIES, LLC (MALONE)</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Adopt</u> Resolution Denying Request to Amend the Precise Development Plan.	341
32.	10 Minutes	<u>ADOPT ORDINANCE REGARDING RESTRICTING DISKING ON VACANT LAND</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the Reading in Full of Ordinance Enacting Chapter 8.80 (Disking Restrictions), of Title 8 of the Municipal Code. Action- <u>Motion to Introduce</u> Ordinance Enacting Chapter 8.80 (Disking Restrictions), of Title 8 of the Municipal Code by Title Only. (Roll Call Vote)	353
33.	5 Minutes	<u>APPLICATION ZA-03-06: ZONING TEXT AMENDMENT/MOBILE HOME PARK CONVERSIONS</u> Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed Council Discussion. Action- <u>Motion to Waive</u> the First and Second Reading in Full of the Ordinance Amending Title 18 of the Municipal Code regarding Mobilehome Park Conversions. Action- <u>Motion to Introduce</u> the Ordinance Amending Title 18 of the Municipal Code regarding Mobilehome Park Conversions by Title Only. (Roll Call Vote)	359

PUBLIC HEARINGS:

	Time Estimate		Page
34.	10 Minutes	<u>ADOPT ORDINANCE REGARDING MOBILE HOME PARK CONVERSIONS TO RESIDENT OWNERSHIP OR TO ANY OTHER USE</u>	369
		Public Hearing Opened.	
		Please Limit Your Remarks to 3 Minutes. Public Hearing Closed	
		Council Discussion.	
		Action- <u>Motion to Waive</u> the First and Second Reading in Full of the Ordinance Adopting Text Amendment to Chapter 17.38 of the Municipal Code Regarding Mobilehome Park Conversions.	
		Action- <u>Motion to Introduce</u> the Ordinance Adopting Text Amendment to Chapter 17.38 of the Municipal Code regarding Mobilehome Park Conversions by Title Only. (Roll Call Vote)	

City Council Action

OTHER BUSINESS:

	Time Estimate		Page
35.	20 Minutes	<u>COMMUNITY INDOOR RECREATION CENTER APPROVAL OF CONCEPTUAL SITE DESIGN</u>	387
		<u>Recommended Action(s):</u>	
		1. <u>Approve</u> Subcommittee Recommendation for Programming and Conceptual Site Design; and	
		2. <u>Approve</u> Sports Management Group Consultant Services Agreement for Business and Economic Analysis.	
36.	10 Minutes	<u>URBAN LIMIT LINE (GREENBELT) STUDY STATUS REPORT</u>	403
		<u>Recommended Action(s):</u> <u>Review</u> and <u>Comment</u> on the Status Report; No Council Action is Recommended.	

Redevelopment Agency Action

OTHER BUSINESS:

	Time Estimate		Page
37.	20 Minutes	<u>MORGAN HILL PLAZA REPOSITIONING STRATEGY</u>	433
		<u>Recommended Action(s):</u>	
		1. <u>Accept</u> the Morgan Hill Plaza Repositioning Strategy;	
		2. <u>Establish</u> Agency Objectives for the Morgan Hill Plaza; and	
		3. <u>Direct</u> the City's Economic Development Subcommittee to Provide Direction to the Agency on How to Proceed.	

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT IN MEMORY OF ROSALIE PENA